



1752

PATENT  
30205/38088

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Geun Su Lee et al.

) I hereby certify that this paper and the  
Serial No.: 10/080,319 ) documents referred to as enclosed  
Filed: February 21, 2002 ) therewith are being deposited with the  
For: Photoresist Monomers, Polymers ) United States Postal Service as first class  
Thereof and Photoresist Compositions ) mail, postage prepaid, on September 4,  
Containing the Same ) 2003, in an envelope addressed to  
Group Art Unit: 1752 ) Commissioner for Patents, P.O. Box  
Examiner: Yvette C. Thornton ) 1450, Alexandria, Virginia 22313-1450Michael R. Hull  
Reg. No. 35,902  
Attorney for ApplicantsRECEIVED  
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## RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the restriction requirement imposed in the office action mailed on August 8, 2003, applicants provisionally elect Group I, claims 1-10 and 19-24 *with traverse*. As set forth in detail below, applicants traverse this restriction requirement. Reconsideration and withdrawal of the restriction requirement is requested in view of the following remarks.

The M.P.E.P. clearly and unequivocally states that there are two criteria which must be met for a requirement for restriction to be proper; (1) the inventions must be independent or distinct as claimed; and, (2) there must be a serious burden on the examiner if restriction is not required. (M.P.E.P. § 803). In this instance, although the Office action argues that the groups of claims identified in the Office action are distinct, it fails to demonstrate that a serious burden would be placed on the Examiner if election were not required.

The applicants note that if there is a serious burden in the present application, it is on the applicant's assignee as a result of this restriction requirement. Unless the restriction requirement is withdrawn, the applicant's assignee must not only prosecute separate applications, which multiplies the cost of obtaining protection for the inventive subject matter, but it must also then pay separate maintenance fees for each of the issued patents. It is respectfully submitted that the burden of the expense incurred in order to obtain two different patents and the further expense in maintaining those patents suffered by the taxpayer, far outweigh any possible burden the Patent Office may incur as a result of simultaneously examining the claims of this application.

In summary, the Office action fails to address the second required criteria for restriction set forth in the M.P.E.P. In view of the following mandate, this failure renders the restriction requirement improper:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

(M.P.E.P. § 803)(emphasis added). Therefore, applicant requests that the requirement for restriction be withdrawn. Moreover, because the restriction requirement is incomplete for failing to address the second requirement specified in the M.P.E.P., the applicant has not been afforded a fair opportunity to respond and the restriction requirement cannot properly be made "Final."

Lastly, claim 25 depends from claim 19. In view of this dependence, applicants respectfully submit that claims 25-30 and 19-24 should all be examined together. Further, claim 11 includes the monomers and repeating units of claims 1-10 and therefore applicants respectfully submit that claims 1-10 and 11-18 should be examined together. Finally, claim 31 is dependent directly on claim 25 and applicants respectfully submit that claims 31 and 25-30 should be examined together, in light of this dependence.

An early action on the merits of all groups of claims is earnestly solicited.

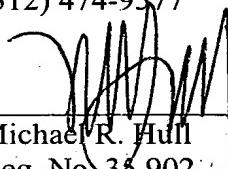
The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Respectfully submitted,

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September 4, 2003

By:

  
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